

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

CONSTITUTION PIPELINE
COMPANY, LLC

Plaintiff,

v.

A PERMANENT EASEMENT FOR
1.47 ACRES AND TEMPORARY
EASEMENTS FOR 2.25 ACRES, IN
DAVENPORT, DELAWARE COUNTY,
NEW YORK, TAX PARCEL
NUMBER 33.-1-19.11,
ALBERT F. BERNARD, et al.

Defendants.

CIVIL ACTION

Case No. 3:14-cv-02040-NAM-RFT

Electronically Filed

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff, Constitution Pipeline Company, LLC ("Constitution"), and Defendants Albert F. Bernard, Albert F. Bernard, Jr. and Andrew Bernard (hereafter, "Bernard") as follows:

1. Constitution initiated the above-captioned condemnation action by filing a Verified Complaint on December 18, 2014.
2. Constitution sought to acquire certain Rights of Way on the Property (as those terms are defined in the Verified Complaint) owned by Bernard.
3. Chevron U.S.A. Inc. ("Chevron") was also named as a defendant because Constitution believed it held a leasehold interest on the Property; however, Chevron's in-house counsel confirmed that Chevron did not have any interest in the Property and Chevron was dismissed from the action on January 29, 2015. Dkt. No. 23.
4. Constitution filed a Motion for Partial Summary Judgment regarding its substantive right to condemn the Rights of Way and Omnibus Motion for Preliminary Injunction

for Possession of Rights of Way by February 16, 2015 Pursuant to the Natural Gas Act and Federal Rules of Civil Procedure 71.1 and 65. Dkt. Nos. 4, 6.

5. On February 26, 2015, the Court entered Orders granting partial summary judgment to Constitution on its right to condemn the Rights of Way and granting Constitution access to and possession of the Rights of Way upon posting a bond in the amount of \$219,600. Dkt. Nos. 36, 37.

6. On March 4, 2015, Constitution posted a bond in the amount of \$219,600 (the "Bond") as security for the payment of just compensation. Dkt. No. 39.

7. The parties have settled all issues relating to access, possession, compensation and damages, such that there is no longer a need for the Court to enter an Order as to title or just compensation for the Rights of Way.

8. The condemnation action can now be dismissed, the case marked closed and the Bond released.

DATED: May 11, 2016

By: s/ Elizabeth U. Witmer
Elizabeth U. Witmer
Bar Roll No. 519082

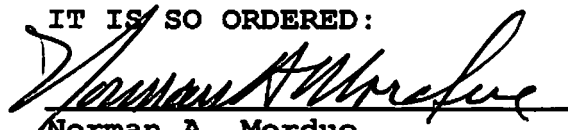
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Attorneys for Plaintiff
Constitution Pipeline Company

DATED: May 11, 2016

By: s/ John J. Henry
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Bar Roll No. 507445

Telephone: 518-487-7600
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Attorneys for Defendants Albert F. Bernard,
Albert F. Bernard, Jr. and Andrew Bernard

IT IS SO ORDERED:


Norman A. Mordue
Senior U.S. District Judge

Dated: May 18, 2016

Syracuse, NY